

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

EMMITT MARTIN, et al,

Defendants.

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Cr. No.: 23-20191-MSN

FILED UNDER SEAL

NOTICE OF DISCLOSURE OF ORAL COMMUNICATIONS

COMES NOW, the United States of America, by and through Beth C. Boswell, Assistant United States Attorney for the Western District of Tennessee, and files this Notice of Disclosure of Oral Communications. In support, the undersigned would state:

1. The United States Attorney's Office for the Western District of Tennessee is a party to the prosecution in the above styled case. The case is assigned to the Honorable U.S. District Court Judge Mark Norris. Prior to the date of the oral communication at issue, all Defendants had either entered a plea of guilty or been found guilty at trial. Defendant Desmond Mills, Jr. pled guilty on November 2, 2023, with sentencing set on June 23, 2025. Defendant Emmitt Martin III pled guilty on August 23, 2024, with sentencing set on June 18, 2025. Defendants Tadarrius Bean, Demetrius Haley, and Justin Smith were found guilty of various charges by a jury on October 3, 2024, with sentencing set on June 16 and 17, 2025, respectively.
2. On October 8, 2024, a former law clerk of Judge Norris, who returned to Memphis

at the request of Judge Norris to assist with this trial, was the victim of an auto theft, especially aggravated burglary and an attempted murder. During the commission of the crimes, the clerk suffered a gunshot wound to the chest. The victim was transported to the hospital and underwent surgery for his gunshot wound. At the time of the shooting, the victim was staying at the home of another law clerk who had also previously worked for Judge Norris on this same case.

3. In conversations with Judge Norris regarding the shooting of his law clerk, it was clear to the undersigned that the Judge was extremely concerned about the well-being of the clerk victim and desirous that the perpetrators be held accountable. Memphis Police Department investigators believe that a group of juveniles committed the offenses, and the Judge has evidenced reasonable frustration with the police investigation.
4. Federal investigators, to include the USMS, and the FBI, concluded that there was no federal nexus for the shooting, and the U.S. Attorney's Office concurred with that decision. A meeting was scheduled with the Judge for May 30, 2025, to explain this decision, with the following persons in attendance: Joseph C. Murphy, Jr., Interim United States Attorney, Stuart Canale, Acting First Assistant United States attorney, Beth Boswell, Criminal Chief, and Jeremy Baker, ASAC for FBI for the Memphis office. The purpose of the meeting was to explain why investigators determined there was no federal nexus and why this Office would not be charging any federal crimes against any of the suspects in relation to the shooting of the clerk.
5. During the meeting Judge Norris indicated that his theory or belief was that at

least one of the defendants in the above styled case was in a gang and that the gang was responsible for the shooting of his clerk. He stated his belief that the intended target of the shooting was his former female clerk who lived at the residence. He indicated that the defendant/defendants had seen the former female clerk during the trial in the courtroom.

6. After this May 30 meeting with Judge Norris, the undersigned recalled an earlier comment from Judge Norris. Shortly after the Oct. 8, 2024, shooting, Judge Norris indicated to the undersigned that he could not meet with any member of the Memphis Police Department to give a statement regarding the shooting of his clerk, as MPD is “infiltrated to the top with gang members.” This was not in response or related to any case to rise to a matter that would require disclosure, however in light of the other content relayed herein, to the extent it is relevant, the United States also includes it in this Notice.

The United States is filing this disclosure as notice to the parties to allow the defense to consider whether any impartiality could be reasonably questioned under 28 U.S.C. 455(a).

Respectfully submitted,

JOSEPH C. MURPHY, JR.
INTERIM UNITED STATES
ATTORNEY

By: /s/Beth C. Boswell
Beth C. Boswell (TN #019260)
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CERTIFICATE OF SERVICE

I, Beth C. Boswell, Assistant United States Attorney for the Western District of Tennessee, certify that the foregoing has been sent via electronic filing to counsel for defendants on June 13, 2025.

/s/ Beth C. Boswell

BETH C. BOSWELL

ASSISTANT UNITED STATES ATTORNEY